

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

LISA K. DAY, ET UX. )  
                          )  
                          )  
v.                     )       NO. 2:01-CV-325  
                          )  
                          )  
INGLES MARKETS, INC. )

**O R D E R**

This malicious prosecution complaint is before the Court to address the defendant's Motion for Reconsideration of Request for Jury Instructions on Comparative Fault. The Court FINDS that the doctrine of comparative fault contemplates a comparison of the conduct of negligent actors, and therefore, this doctrine also does not properly apply to an intentional tort such as malicious prosecution. Therefore, the defendant's motion to reconsider is **DENIED**. [Doc. 106].

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE